

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

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|---------------------------------------|---|------------------------------------|
| DENNIS ERIC SMITH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 5:13-CV-179 (MTT) |
| |) | |
| WARDEN DONALD BARROW, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

ORDER

Before the Court is Magistrate Judge Stephen Hyles's Order and Recommendation (Doc. 5) on the Plaintiff's complaint and motion to proceed in forma pauperis (Docs. 1 and 2). After granting the Plaintiff's IFP motion, the Magistrate Judge conducted a frivolity review of the Plaintiff's complaint pursuant to § 1915A. The Magistrate Judge recommends that the Plaintiff's Eighth Amendment claims and two Defendants be dismissed. (Doc. 5).

The Plaintiff did not object to the Recommendation. The Court has thoroughly reviewed the Plaintiff's complaint and the Recommendation and the Recommendation is adopted and made an order of this Court. Accordingly, the Plaintiff's Eighth Amendment claim is **dismissed**, and Defendants Deputy Warden Mickens and Shevondah Fields are **dismissed** from this action.¹

SO ORDERED, this 27th day of June, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

¹ The Magistrate Judge ordered service on the remaining Defendant, Warden Donald Barrow, because he permitted the Plaintiff's equal protection claim against Barrow to proceed. (Doc. 5 at 5).